

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

SWIFT BEEF COMPANY,)	
)	
Plaintiff,)	8:06CV466
)	
v.)	
)	
IC TECH SALES, INC., WAM,)	ORDER
INC., and WAM USA, INC.,)	
)	
Defendants.)	
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IC TECH SALES, INC.,)	
)	
Cross-claim Plaintiff,)	
)	
v.)	
)	
WAM, INC., and WAM USA, INC.,)	
)	
Cross-claim Defendants.)	
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This matter is before the Court on defendant and cross claim plaintiff's motion to amended cross claim against cross claim defendants WAM, Inc. and WAM USA, Inc. (Filing No. 59), as well as cross-claim defendants' motion to withdraw its objection to defendant's motion to amend (Filing No. 62).

Where more than twenty days have elapsed since the original answer was served, a party may amend its pleading by leave of court. Fed. R. Civ. P. 15(a). Leave to amend shall "be freely given when justice so requires." *Id.*

Cross claim defendants oppose the motion (Filing No. 63) on the grounds that the motion was filed after the deadline for amending pleadings in the November 8, 2006, final progression

order (Filing No. 22) had passed and that they would be prejudiced because they have already issued their full complement of 25 interrogatories to the plaintiff, the limit as agreed to as set forth in their Rule 26(f) planning conference report (Filing No. 18).

The Court finds that the motion to amend is proper as no undue prejudice will result. Therefore, the Court finds said motions should be granted. Accordingly,

IT IS ORDERED:

1) Cross claim defendants' motion to withdraw document regarding objection (Filing No. 62) is granted; the objection (Filing No. 61) is deemed withdrawn.

2) Defendant and cross claim plaintiff's motion to amend cross claim is granted; the second amended cross claim shall be filed on or before July 6, 2007.

3) Cross claim defendants are permitted to issue up to fifteen (15) additional interrogatories to the plaintiff in reference solely to defendants' fifth claim for relief.

DATED this 29th day of June, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court